

Frequently Asked Questions

Frequently Asked Questions

Note: This section is under construction and may not reflect accurate information. Contact your [local \[1\] Family Court Services](#) if you have questions.

Legal Custody

- Q: What is Joint Legal Custody?
A: Both parents share in the right and responsibility to make decisions relating to the health, education and welfare of a child.
- Q: What is Sole Legal Custody?
A: One parent has the right and responsibility to make decisions relating to the health, education and welfare of a child.

Physical Custody

- Q: What is Joint Physical Custody?
A: Children spend a significant amount of time with each parent.
- Q: What is Mediation?
A: Mediation is a process where an impartial third person, known as a mediator, is appointed by the court to help parties move toward a mutually acceptable agreement about co-parenting issues (custody and visitation). In mediation, the mediator does not take sides. The mediator is not the judge and does not make decisions about what is best for your child(ren). Instead, the mediator helps each person listen to the other's perspective, communicate about each person's interests and needs, focus on the needs of your child(ren), and reach a mutually agreeable plan for co-parenting.

Mediation & Child Custody

- Q: Who are Child Custody Mediators?
A: The Idaho Supreme Court maintains a roster of mediators who meet standards for training under [I.R.C.P. 16\(j\)](#) [2]. This roster is available [here](#) [3].
- Q: At what age can a child decide which parent to live with?
A: When a child turns 18 they have the legal right to move wherever they desire. Before then, there is no specific age by law when they can start making that type of decision for themselves. They can be interviewed so that they can state their reasoning and preference to a judge, who will ultimately make the final decision.
- Q: I have never been married to the parent of my child and need to get an order for child support and custody. What do I do first?
A: You will have to file a petition with the Court in order to establish paternity, a parenting access schedule and an order for support. The [Court Assistance Office](#) [4] in your area can help you with forms and instructions if you cannot afford an attorney. You may also contact the [Idaho Department of Health and Welfare](#) [5] for help to establish child support.
- Q: I want to change the parenting plan arrangements regarding the child. Where do I start?
A: If you are already divorced or you already have an order that establishes parenting time arrangements, you should consult with an attorney that specializes in family law cases to

Frequently Asked Questions

Published on Supreme Court (<http://www.isc.idaho.gov>)

discuss your options. If you cannot afford an attorney, you may contact Family Court Services (FCS) or the Court Assistance office for more information. Find your local [FCS](#) [1] or [Court Assistance Office](#) [4].

- Q: What is a protection order and how do I get one?

A: Information coming soon...

For further information, please contact the [Family Court Services](#) [1] in your area.

Source URL: <http://www.isc.idaho.gov/family-court/fc-faq>

Links:

[1] <http://www.isc.idaho.gov/location>

[2] <http://www.isc.idaho.gov/./rules/ircp16j.txt>

[3] <http://www.isc.idaho.gov/./main/child-custody-mediator>

[4] <http://www.courtselfhelp.idaho.gov>

[5] <http://www.healthandwelfare.idaho.gov/Children/ChildSupport/tabid/76/Default.aspx>